

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Criminal No. 05-cr-057-01-JD

Gordon Reid

SEALED ORDER

Defendant moved for ex parte relief concerning access to telephone, visitation, access to legal materials and prompt posting and delivery of mail. The court held a hearing at which the defendant and senior officers from Strafford County House of Corrections testified.

Defendant testified that his attorney, investigator and one expert experienced delays of five (5) days in receipt of mail and that he had some delays in receipt of legal mail. The Superintendent and Captain McPherson testified that with the exception of Saturday mail and late day receipt mail all of Reid's legal mail is mailed the same day he delivers it to guards and/or receives mail. The prison keeps a log of his mail which is an exhibit. I find that defendant has been afforded prompt

and effective mail service by the prison.¹

Defendant asserts that he is being given insufficient telephone access, which he claims he needs for legal calls. Defendant was placed in administrative segregation in April for an alleged assault on another inmate. While in that status, he is not permitted to make legal calls out. The prison has agreed that he may make up to three "legal" calls per day out until trial next week.² With respect to defendant's receipt of legal calls, I find that defendant is and has been permitted legal calls to him. Due to the system some experts have hung up due to prolonged cell block connection time. The short period the phone was broken was resolved when the Superintendent had the phone fixed the same day Reid complained.

I find Reid and the prison miscommunicated on visitation. While maximum security prisoners only have legal visits the Superintendent directed that Reid could be visited by any witness, expert, investigator or lawyer involved on his criminal

¹Defendant says that mail has not been an issue lately in any event.

²Reid understands he will be moved in cuffs and shackles. The calls will not be monitored but will be placed only to persons on the list who are witnesses, experts, counsel or the investigator.

case. Reid now understands this.

The log of access to law materials demonstrates that defendant has had very substantial and constitutionally sufficient access to law materials.

The motion is granted in part as set forth above, is moot in part and is denied in part.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: July 12, 2006

cc: Michael J. Iacopino, Esq.
Gordon Reid, *pro se*